

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of

MOLOKAI PUBLIC UTILITIES,
INC., WAI'OLA O MOLOKA'I, INC.,
and MOSCO, INC.

For Temporary Rate Relief.

Docket No. 2008-0115

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COUNTY OF MAUI'S RESPONSE TO MOTION TO INTERVENE
FILED BY WEST MOLOKAI ASSOCIATION ON JULY 3, 2008

CERTIFICATE OF SERVICE

FILED
2008 JUL 11 P 1:04
PUBLIC UTILITIES
COMMISSION

DEPARTMENT OF THE CORPORATION COUNSEL

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Attorneys for COUNTY OF MAUI

**COUNTY OF MAUI'S RESPONSE TO MOTION TO INTERVENE
FILED BY WEST MOLOKAI ASSOCIATION ON JULY 3, 2008**

Comes now, COUNTY OF MAUI ("County"), by and through its attorneys, BRIAN T. MOTO, Corporation Counsel, and JANE E. LOVELL, Deputy Corporation Counsel, and hereby responds to the Motion to Intervene filed in this docket by West Molokai Association ("WMA") on July 3, 2008 as follows:

County welcomes the participation of other customers of Molokai Public Utilities, Inc., Wai`ola O Moloka`i, Inc., and Mosco, Inc. (hereafter referred to collectively as "the Utilities") in this docket. However, County has several concerns about the WMA's Motion to Intervene.

County is informed and believes that Daniel Orodenger, an officer of the Utilities, is also a member of WMA's Board of Directors, with a term beginning in 2007 and expiring in 2010. County is concerned that allowing WMA to intervene while Mr. Orodenger is a member of WMA's Board will in essence give Mr. Orodenger two bites of the apple, one in his capacity as an officer of the Utilities, and the other in his capacity as WMA Board member.

In addition, County takes issue with WMA's claim, made on page 5 of WMA's Motion to Intervene, that the County has a "legal mandate" to provide potable water for domestic use, fire protection, etc." There are numerous areas of the County of Maui in which the County does not provide potable water service. County's research has not uncovered any "legal mandate" to provide utility services and WMA's motion does not cite to any statutory or case authority for that proposition.

County also disagrees with WMA's unsupported assertion that County has not taken "any positive steps toward a meaningful long term or short term solution." (Id. at pp. 5-6) County has taken a number of positive steps, including filing a formal complaint with the PUC, supporting the PUC's order requiring the Utilities to continue operating, assisting in the search for private entities who might be willing to take over the Utilities, requesting the PUC to issue subpoenas for the Utilities' documents, and calling on the Governor to use her emergency powers under HRS §§ 128-9(4) and 342D-10, among others.

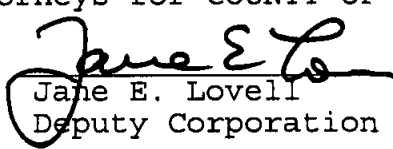
Likewise, the County does not agree with WMA's claim that the County's "interest in this proceeding is adverse to WMA's interests." (Id. at p. 6.) As a customer of the Utilities, the County is similarly situated to the members of WMA, who are also customers.

Finally, County has no legal duty to conduct "a comprehensive inspection of the Utilities['] sewer or water system" (id. at p. 5), particularly where the County has no legal duty to bail out the Utilities or to take over the Utilities' operations. Under state law, the Governor, rather than the County, has the legal authority and concomitant legal duty to take over the operation of the Utilities, if necessary, to assure their continued operation. HRS § 128-9(4).

DATED: Wailuku, Maui, Hawaii, July 10, 2008.

BRIAN T. MOTO
Corporation Counsel
Attorneys for COUNTY OF MAUI

By:


Jane E. Lovell
Deputy Corporation Counsel

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CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I hereby certify that on this date a copy of the foregoing document was served upon the following by First Class Mail, by depositing copies bearing sufficient postage with the U.S. Post Office, addressed as follows:

Peter A. Nicholas, Director
Daniel Orodener, General Counsel
MOLOKAI PUBLIC UTILITIES, INC.
WAI'OLA O MOLOKA'I, INC.
MOSCO, INC.
MOLOKAI PROPERTIES LIMITED
745 Fort Street, Suite 600
Honolulu, HI 96813

Catherine P. Awakuni
Executive Director
CONSUMER ADVOCATE
Division of Consumer Advocacy
Department of Commerce and Consumer Affairs
P. O. Box 541
Honolulu, HI 96809

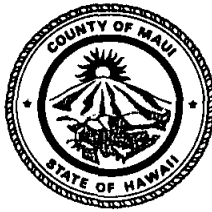
William W. Milks, Esq.
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DATED: Wailuku, Maui, Hawaii, July 10, 2008.

BRIAN T. MOTO
Corporation Counsel
Attorneys for COUNTY OF MAUI

By: Jane E. Lovell
Jane E. Lovell
Deputy Corporation Counsel

CHARMAINE TAVARES
Mayor



BRIAN T. MOTO
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July 10, 2008

Public Utilities Commission
State of Hawaii
465 South King Street, Room 103
Honolulu, Hawaii 96813
Attention: Chief Clerk of the Commission

FILED
2008 JUL 11 P 1:04
PUBLIC UTILITIES
COMMISSION

Re: In the Matter of Molokai Public Utilities, Inc.,
Wai'ola O Moloka'i, Inc., and Mosco, Inc., For
Temporary Rate Relief; Docket No. 2008-0115

Dear Chief Clerk of the Commission:

Enclosed for filing please find the original and 10
copies of County of Maui's Response to Motion to Intervene Filed by
West Molokai Association on July 3, 2008; Certificate of Service.

Please return the two (2) additional file-marked copies
to this office. A self-addressed, stamped envelope is enclosed for
your convenience.

If you have any questions, please do not hesitate to
contact me.

Very truly yours,

A handwritten signature in cursive script, reading "Jane E. Lovell".
JANE E. LOVELL
Deputy Corporation Counsel

JEL:lk
Enclosures

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